

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

**THE CHIROPRACTIC NEUROLOGY CENTER
OF TUPELO; CHIROPRACTIC NEUROLOGY
CONSULTANT PC d/b/a AMERICAN FUNCTIONAL
NEUROLOGY INSTITUTE; DR. WILLIAM A. BARLOW, D.C. ;
and DR. MATTHEW C. MACKEY, D.C.**

PLAINTIFFS

V.

CAUSE NO. 1:15 CV 219-GHD-DAS

**DR. MICHAEL JOHNSON, D.C. ; DR. MICHAEL JOHNSON
d/b/a THE CENTER FOR QUALITY HEALTHCARE;
DR. MICHAEL JOHNSON d/b/a JOHNSON METHOD
CONSULTING; JOHN DOE ENTITIES 1-10;
and JOHN DOES 1-10**

DEFENDANTS

**PLAINTIFFS' MOTION *IN LIMINE* FOR ADMISSION OF EVIDENCE
OF DEFENDANT JOHNSON'S EXTRINSIC ACTS:
COMPLAINTS TO PROFESSION BOARDS**

COMES NOW, the Plaintiffs, The Chiropractic Neurology Center of Tupelo, Chiropractic Neurology Consultant PC d/b/a American Functional Neurology Institute, Dr. William A. Barlow, D.C., and Dr. Matthew C. Mackey, D.C by and through counsel submit this Plaintiffs' Motion in Limine and move the court pursuant to Rules 103 and 404(b) of the Federal Rules of Civil procedure for an order allowing the admission of certain documentary evidence, testimony, and arguments at the trial of this matter, and in support thereof would show unto the Court as follows, to-wit:

1. Evidence, testimony, and arguments regarding the retaliatory actions Defendant Johnson has taken against similarly-situated third parties should be admissible at the trial of this matter.

2. The identified acts are virtually identical to and temporally adjacent to those complained of in this suit. They are offered as proof of motive and intent and as impeachment evidence. The probative value of this evidence outweighs the possibility of prejudice and is therefore admissible.

3. For these reasons and as more fully set forth in Plaintiffs' Memorandum in Support of this Motion. Plaintiffs' move this Court for an Order, *in limine*, allowing the introduction of evidence, testimony, and arguments regarding the retaliatory actions of Defendant Johnson against other similarly-situated third parties.

4. In support of this Motion, Plaintiffs rely upon their supporting brief; the pleadings filed in this lawsuit; and the following exhibits:

- Exhibit A – Deposition of Defendant Dr. Michael Johnson (relevant excerpts)
- Exhibit B – Deposition of Joanie Winstead (relevant excerpts)
- Exhibit C – Deposition of Chris Steiner (relevant excerpts)
- Exhibit D – Affidavit of Attorney Kurt Goehre
- Exhibit E – Defendants/Counter-Plaintiff's Responses to Plaintiffs/Counter-Defendant's First Set of Requests for Admission and Interrogatories.
- Exhibit F – Expert Opinion by Robert Hauberg
- Exhibit G – Complaint by Defendant Dr. Michael Johnson for Medicare Fraud regarding Chris Steiner.
- Exhibit H – Deposition of Ron Adams (relevant excerpts)
- Exhibit I – Center for Medicare & Medicaid Services Documents
- Exhibit J – Exhibit 3 to Deposition of 30(b)(6) Representative for Apple Medical Clinics
- Exhibit K – Deposition of 30(b)(6) Representative for Apple Medical Clinics (relevant excerpts)
- Exhibit L – Affidavit of Britney Woods
- Exhibit M – Deposition of Plaintiff Dr. William A. Barlow (relevant excerpts)

WHEREFORE, PREMISES CONSIDERED, for the reasons stated herein and as more fully set forth in Plaintiffs' Memorandum in Support of Their Motion *in Limine* filed simultaneously with this Motion, Plaintiffs request that the Court enter an Order allowing the

admission of certain documentary evidence, testimony, and arguments regarding the retaliatory actions of Defendant Johnson at the trial of this matter and such further or additional relief to which they may be entitled.

Respectfully submitted, this the 30th day of May, 2017.

**THE CHIROPRACTIC NEUROLOGY CENTER
OF TUPELO; CHIROPRACTIC NEUROLOGY
CONSULTANT PC d/b/a AMERICAN FUNCTIONAL
NEUROLOGY INSTITUTE; DR. WILLIAM A.
BARLOW; and DR. MATTHEW C. MACKEY**

By: /s/ William R. Wheeler, Jr.
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CERTIFICATE OF SERVICE

I, William R. Wheeler, Jr., one of the attorneys of record for the Plaintiffs, do hereby certify that I have served a true and correct copy of the above and foregoing ***Plaintiffs' Motion in Limine*** to the following:

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Dated, this the 30th day of May, 2017.

/s/ William R. Wheeler, Jr.
WILLIAM R. WHEELER, JR.